

FILED

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BOARD OF PHARMACY

STATE OF NEW JERSEY
 DEPARTMENT OF LAW & PUBLIC SAFETY
 DIVISION OF CONSUMER AFFAIRS
 STATE BOARD OF PHARMACY

IN THE MATTER OF THE SUSPENSION
 OR REVOCATION OF THE LICENSE OF

ROBERT MAXWELL, R.P.,
 License No. 28R101785500
 17855

TO PRACTICE PHARMACY IN THE
 STATE OF NEW JERSEY

:
 : Administrative Action
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:
 : **FINAL ORDER**
 : **OF DISCIPLINE**
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This matter was opened to the New Jersey State Board of Pharmacy upon receipt of information which the Board has reviewed and on which the following findings of fact and conclusions of law are made;

FINDINGS OF FACT

1. Respondent holds license No. 28R101785500 as a pharmacist (R.Ph.) and has been a licensee at all times thereto.

2. On March 16, 2006, respondent was the subject of an Order of the Virginia Board of Pharmacy which imposed a one (1) year probation period on respondent's license to practice pharmacy in that State. Specifically, the State of Virginia found that respondent had been impaired while working as a pharmacist, and was thereafter permitted to continue to practice with conditions including treatment and urine monitoring screens.

CONCLUSIONS OF LAW

1. The above Virginia Board of Pharmacy disciplinary action provides grounds for disciplinary action in New Jersey pursuant

to N.J.S.A. 45:1-21(1) in that a finding was made by the State of Virginia that respondent is presently engaged in drug or alcohol use that is likely to impair the ability to practice the profession or occupation without reasonable skill and safety. "Presently" means at this time or any time within the previous 365 days.

Based on the foregoing findings and conclusions, a Provisional Order of discipline placing respondent's license to practice pharmacy in the State of New Jersey on probation was entered on December 19, 2006 and a copy was forwarded to respondent's last know address by means of both regular and certified mail. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30th business day following entry unless respondent requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor.

Although the record reflects that the Provisional Order was served upon respondent by regular and certified mail on December 20, 2006 to his address of record with the Board and has not been returned, no response has been received to date. Accordingly the Board considered the matter, determined that further proceedings were not necessary and the Provisional Order should be made final.

IT IS THEREFORE on this 5th day of FEBRUARY , 2007,

ORDERED that:

1. Respondent's license to practice as a pharmacist in the State of New Jersey is hereby placed on probation subject to all conditions set forth in the Virginia Order for one year from the date of entry of this Order.

2. Respondent may apply for a termination of the probation prior to one year upon proof to the Board that he has been terminated from probationary status in Virginia with no restrictions and has appeared before the New Jersey Board or a Committee thereof and demonstrated that he has undergone a recent alcohol abuse evaluation and is fit and competent to practice pharmacy. Any practice in this State in violation of the Virginia conditions and this State's Conditions by incorporation of this Order, shall constitute grounds for the charge of N.J.S.A. 45:1-21(1), practice of pharmacy while impaired. The Board reserves the right to place restrictions on respondent's practice should his probationary status in Virginia be terminated.

NEW JERSEY STATE BOARD OF PHARMACY

By: Edward McGinley RPh
Edward McGinley, RPh.
President